

MEECH LAKE ACCORD — "CON"



Cartoons from Victoria Times Columbian, Toronto Star, Toronto Sun, Telegraph Journal

At the end of April, 1987, Canada's ten provincial premiers and Prime Minister Brian Mulroney met at Meech Lake, outside of Ottawa, and agreed to a package of six constitutional reforms--the so-called Meech Lake accord.

Maclean's Magazine has called its designers "either the new Fathers of Confederation--or the architects of the nation's dissolution." Public and editorial opinion is divided between pro or con--quite simply, you're either for it or against it.

The Meech Lake accord--what does this historical agreement between our federal and provincial governments mean for Canada and its future?

Some say that it will destroy the very fabric of our Confederation while others say it will lead to an era of harmonious relations between the federal and provincial levels of government. Just what are we to believe about the Meech Lake accord and its implications for Canadians?

This brief overview is meant to outline the six points raised at Meech Lake. What follows is a pro and con analysis of each issue.

THE DISTINCT SOCIETY

Under Canada's Constitution, French and English are recognized throughout the country as its two official languages. The terms of the accord state that "The Constitution of Canada shall be interpreted in a manner consistent with...the recognition that Quebec constitutes, within Canada, a distinct society." In the next paragraph, it goes on to say that "The role of the Legislature and Government of

Quebec to preserve and promote (this) distinct identity of Quebec...is affirmed."

pro: The "distinct society" clause of the accord is a small price to pay to bring Quebec into the Canadian Constitution. Within Canada, Quebec is a distinct society and the fears of women's groups and minorities that this clause will override the Constitution's Charter of Rights are unwarranted. In interpreting this clause, the courts will read it alongside the Charter so that the two are co-equal.

con: What is preventing the courts from ruling that the Charter of Rights is subordinate to the "distinct society" clause? The Charter guarantees that individuals will not be discriminated against on the basis of sex or ethnicity. But if the "distinct society" clause is to have any real meaning, then, in the name of preserving Quebec's "distinct society," Quebec's government will be able to override individual rights. This means that there will now be officially two Canadas--one French and one English.

SUPREME COURT

The Supreme Court of Canada is the highest court in the country. As such, its nine justices have the final say in interpreting Canada's laws and Constitution. The Meech Lake accord would give the provincial premiers the right to nominate justices to the Court, though the federal government would retain the final power of appointment.

pro: The Supreme Court justices, nominated by the provinces, will have the view that Canada is a decentralized country. Therefore, their rulings will help make the Canadian political scene less antagonistic by relegating authority to where authority belongs. The federal government will concern itself only with issues of national importance while provincial governments will guard their respective interests.

con: The prime criterion for appointment to Court will be the decentralist views of the justices nominated by the provinces, rather than scholarship or clarity of social vision. Inevitably, this will tend to the erosion of federal authority and a gradual break-up of the nation.

FEDERAL SPENDING POWERS

Although such spheres as health and education are constitutionally within provincial jurisdiction, at present the Canadian Constitution requires the federal government to take the lead in providing programs to meet the basic social needs of Canadians in these and other areas. This is reflected in federal programs such as social assistance and old-age pensions. The Meech Lake accord permits individual provinces to opt out of federal funding to establish their own programs so long as it meets the "national objectives."

pro: This clause will permit individual provinces to develop programs specifically suited to each province's needs, if they so choose.

con: Such a power inhibits the capacity of the federal government to exercise leadership in setting national standards. The ambiguous meaning of "national objectives" will mean that Canada will have a checkerboard of vital programs with no uniformity from province to province.

THE SENATE

The Senate is the Upper Chamber of Parliament. It is a body whose members are appointed for life by the federal government. At present, the Senate usually automatically approves any bill passed by the House of Commons. Many Canadians deride the Senate as a political patronage appointments. The Meech Lake accord, either the Senate's abolishment or its election by the provinces, would adequately represent the country's various regions.

pro: Anything as important as Senate reform requires the unanimous consent of all provinces. If it became elective, its members would adequately represent the country's various regions.

con: By requiring unanimous consent for any amendment to the Constitution, the Meech Lake accord could effectively prohibit any reform at all. If it became elective, appointed Senators could block any federal programs they disliked.

AMENDING FORMULA

By the Constitution Act of 1982, amendments to the Constitution require the unanimous consent of all provinces and the federal government.